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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,974	10/20/2004	Jan Roelof Westra	NL 020317	9121
24737	7590	12/29/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS				YOUNG, BRIAN K
P.O. BOX 3001				ART UNIT
BRIARCLIFF MANOR, NY 10510				PAPER NUMBER
				2819

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/511,974	WESTRA, JAN ROELOF
	Examiner Brian Young	Art Unit 2819

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4-6 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 October 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/16/05</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

1. The indicated allowability of the claims, as cited in the previous Office Action, is withdrawn in light of newly discovered prior art.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3 are rejected** under 35 U.S.C. 102(b) as being anticipated by Tuthill.

**Regarding claims 1-3** Tuthill discloses ((fig.1) a unit cell (10A) for a digital to analog conversion circuit including a current source (line 18/ transistor 14), a first data switch (right transistor in 38 coupled to (data bit) DB7), and, a second data switch (left transistor in 38 coupled to DB7) with both coupled to the current source (through transistors 34 and 36), a first phase switch (34) coupled between the current source and the first data switch, and a second phase switch (36) coupled between the current source and the second data switch, a controller (upper transistors of 38) arranged to switch between the first and second phase switches in a Break Before Make alternating sequence. The switches are described as MOS transistors (see below).

Tuthill recites (col.2, ln.21-25):

Each of the **DAC cells 10** comprises a PNP transistor **current source 14** having a resistor 16 connected between the emitter and a voltage supply line V.sub.DD (e.g. +5 volts).

Tuthill recites (col.2, ln.55-60):

**The gates of the PMOS switch pairs 34, 36 are controlled by MOS switch control circuitry 38, e.g. as shown in detail for the first DAC cell 10A.** This circuitry in turn responds to the respective data bit from the input register

12 serving to turn one switch 34 on and the other switch 36 off for one data bit logic state, and vice versa for the other logic state.

Tuthill recites (col.3, ln.50-55):

**The MOS switch control circuitry 38 is, in the preferred embodiment arranged to operate in a make-before-break sequence.** That is, the switch 34 or 36 to be activated first closes, so as to complete its circuit from source to drain, and thereafter the other switch opens. At no time are both switches open.

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Young whose telephone number is 571-272-1816. The examiner can normally be reached on Mon-Fri 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rexford Barnie can be reached on 571-272-7492. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian Young  
Primary Examiner  
Art Unit 2819

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